

## **REMARKS**

Claims 1-6, 9-12, 14, 16 and 18-21 have been rejected. Claims 1-6, 9, 14, 16 and 18-21 have been amended. No claims are cancelled in response to this Office Action. Thus claims 1-6, 9-12, 14, 16 and 18-21 are still pending in the application and reconsideration of the application is requested.

### **Claim Rejections – 35 U.S.C. § 103**

In “Claim Rejections – 35 USC § 103,” item 3 on page 2 of the above-identified Office Action, claims 1-6, 9-12, 14, 16 and 18-21 were rejected as being unpatentable over U.S. Patent Application No. 2002/0052192 (hereinafter “Yamazaki”) in view of U.S. Patent Application No. 2003/0099380 (hereinafter “Gozzini”) under 35 U.S.C. § 103(a).

Independent claim 1 has been amended to recite an apparatus comprising:

- “a plurality of components;
- a power on/off button to power on/off the apparatus, including an input mechanism configured to facilitate input of a finger print of a user; and
- an operating logic configured to receive the output signals from the input mechanism, to operate the plurality of components in a first mode if the user is not successfully authenticated based at least on the output signals, to operate the plurality of components in a second mode if the user is successfully authenticated based at least on the output signals, and to switch from the second mode to the first mode responsive to a user instruction;

wherein a first plurality of user functions are available in the first mode, and a second plurality of user functions comprising at least one or more of the first plurality of user functions are available in the second mode.”

The Examiner cited paragraphs 19, 20 and 48 of Yamazaki as teaching a plurality of components coupled to each other to facilitate wireless telephony communication by a user, an input mechanism configured to facilitate input of a finger print of the user; and an operating logic configured to receive input signals from the input mechanism. Also, the Examiner conceded that Yamazaki fails to teach or suggest capacitive sensors and “a first plurality of user functions are available ... in the first mode, and a second plurality of user functions are available ... in the second mode” as recited in the previously presented claim 1. So, the Examiner cited Gozzini to cure the above stated deficiency of Yamazaki. However, Applicants respectfully disagree and further submit that neither Yamazak nor Gozzini teaches or suggests amended claim 1.

1. Applicant submit that Yamazaki fails to teach or suggest “a power on/off button to power on/off the apparatus, including an input mechanism configured to facilitate input of a finger print of a user” recited in amended claim 1. In paragraph [0019] of Yamazaki, it is described that “the authentication of the user’s identity may be triggered simultaneously by switching on a power source of the mobile information communication device.” However, Yamazaki does not disclose that the power source switch includes an element to authenticate the user’s identity. Notwithstanding this, paragraphs [0054]-[0057] of Yamazaki explicitly disclose that the image sensor used to sense the user fingerprint is built in the liquid crystal display 2704, whereas the power switch 2707 is clearly a separate element from the display 2704. So, Applicants submit that such disclosure of Yamazaki teaches away from the recitation in amended claim 1, so there would have been no motivation for those skilled in the art to modify Yamazaki to achieve amended claim 1.

Gozzini was cited to read on the capacitive sensors and the first and second modes in the previously presented claim 1. But Gozzini fails to cure the above deficiency of Yamazaki. Accordingly, based on at least above stated reasons, Applicants submit that amended claim 1 is patentable over the combination of Yamazaki and Gozzini under 35 U.S.C. §103 (a).

2. In the above-identified Office Action, the Examiner conceded that Yamazaki fails to teach or suggest the capacitive sensors and the first and second modes of the wireless mobile phone in the previously presented claim 1, and cited the abstract and paragraph 4 of Gozzini to read on those features in the previously presented claim 1. However, Applicants submit that Gozzini fails to teach or suggest “an operating logic configured to ... operate the plurality of components in a first mode if the user is not successfully authenticated ..., to operate the plurality of components in a second mode if the user is successfully authenticated ... and to switch from the second mode to the first mode responsive to a user instruction; wherein a first plurality of user functions are available in the first mode, and a second plurality of user functions comprising at least one or more of the first plurality of user functions are available in the second mode” as recited in amended claim 1.

Gozzini discloses a method and an array for sensing fingerprint with capacitors. Nothing in Gozzini discloses that the sensing and authentication of the user’s fingerprint may decide two modes under which a device employing such method or array may operate. Even if assumed

arguendo that the combination of Yamazaki and Gozzini may inherently indicate that a mobile phone may function when the fingerprint is authenticated, whereas the mobile phone may stop function when the finger print is not authenticated, and such two situations may be deemed as two working modes comprising a plurality of user functions, the combination of Yamazaki and Gozzini does not teach or suggest that user functions available in the second mode of the mobile phone comprise “at least one or more of the first plurality of user function” available in the first mode of the mobile phone, and the combination also fails to teach or suggest that the mobile phone comprises “an operating logic configured to ... switch from the second mode to the first mode responsive to a user instruction” as recited in amended claim 1.

Thus, the combination of Yamazaki and Gozzini fails to teach or suggest each and every element of amended claim 1.

Further, Applicants submit that there would have been no motivation to modify Gozzini or Yamazaki to achieve undisclosed elements of amended claim 1 in this remark section. The purpose of Gozzini, according to paragraph [0003], is to improve the capacitive sensing element and the purpose of Yamazaki, according to paragraph [0008], is to establish a more secured and convenient mechanism to authenticate the user. Incorporating the undisclosed elements of amended claim 1 in this remark section would have no contribution to the two purposes. Therefore, Applicants submit that there would have been no motivation for those skilled in the art to modify Gozzini or Yamazaki to achieve amended claim 1.

Accordingly, based on at least above stated reasons, Applicants submit that amended claim 1 is patentable over the combination of Yamazaki and Gozzini under 35 U.S.C. §103 (a).

Independent claims 9, 14 and 16 recite generally the same subject matters as amended claim 1. Therefore, due to at least the reasons set forth for claim 1, Applicants submit that claims 9, 14 and 16 are patentable over the combination of Yamazaki and Gozzini under 35 U.S.C. §103 (a). Claims 2-6, 10-12 and 18-21 depend from claim 1, 9, 14 or 16, incorporating their limitations respectively. Accordingly, for at least the same reasons, claim 2-6, 10-12 and 18-21 are patentable over the combination of Yamazaki and Gozzini under 35 U.S.C. §103 (a).

### **Conclusion**

In view of the foregoing, reconsideration and allowance of the pending claims are solicited. Applicant submits that claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 381-8819. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,

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